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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

IN RE ALLEGIANT TRAVEL CO.
STOCKHOLDER DERIVATIVE
LITIGATION

Master File No.: 2:18-cv-01864

**DECLARATION OF DAVID J. STONE
IN SUPPORT OF PLAINTIFFS'
UNOPPOSED MOTION FOR
VOLUNTARY DISMISSAL OF ACTION
PURSUANT TO RULES 23.1 AND 41(a)(2)
OF THE FEDERAL RULES OF CIVIL
PROCEDURE**

I, David J. Stone, declare as follows:

1. I am an attorney duly-licensed to practice law in the State of New York and a member of the law firm Bragar, Eagel & Squire, P.C.. I am admitted *pro hac vice* to practice before this Court in the above-captioned action. I am counsel of record for Plaintiffs Mark Fullenkamp and Charles Blackburn (collectively "Plaintiffs").

2. I support this declaration in support of Plaintiffs' motion to voluntarily dismiss this derivative action with prejudice pursuant to Rules 23.1(c) and 41(a)(2) of the Federal Rules of Civil Procedure. I have personal knowledge of statements made herein and, if called to do so, I would testify thereto.

3. On July 20, 2018, Plaintiff Blackburn filed a verified shareholder derivative complaint in the United States District Court for the Central District of California, *Blackburn v. Gallagher, Jr., et al.*, Case No. 2:18-cv06296-GW-SSx, which was transferred to this Court on October 10, 2018.

4. On September 26, 2018, Plaintiff Fullenkamp filed his verified shareholder derivative complaint in this Court (Dkt. No. 1).

5. On January 9, 2019, this Court consolidated the Fullenkamp and Blackburn actions (Dkt. No. 11), and the Plaintiffs filed a consolidated derivative action on April 8, 2019 (Dkt. No. 12).

6. On May 13, 2019, the Court entered an order staying the consolidated derivative action until the court in a related securities class action, *Checkman v. Allegiant Travel Co., et al.*, Case No. 1:18-cv-01758-APG-PAL, issued a decision on a pending motion to dismiss in that action. (Dkt. No. 14). On September 9, 2019, the court in the related securities action granted in part and denied in part defendants' motion to dismiss.

7. On March 24, 2020, Plaintiffs filed their second amended complaint. (Dkt. No. 20).

8. Defendants moved to dismiss the second amended complaint on April 23, 2020 (Dkt. Nos. 21-23), which was opposed by Plaintiffs on May 26, 2020 (Dkt. No. 25). Defendants filed their reply papers on June 25, 2020. (Dkt. No. 28).

9. On December 18, 2020, the Court issued an order granting dismissal of the action with leave to re-plead. (Dkt. No. 30).

10. On January 4, 2021, the Court entered a scheduling order providing that the third amended complaint would be filed by February 18, 2021, defendants' answer or motion would be filed 45 days thereafter (April 4, 2021); Plaintiffs' opposition 45 days thereafter (May 20, 2021), and Defendants' reply would be due 45 days later (July 6, 2021). (Dkt. No. 32).

11. On February 18, 2021, Plaintiffs filed the third amended complaint. (Dkt. No. 33).

12. On April 5, 2021, Defendants filed their motion to dismiss. (Dkt. Nos. 35-37).

/s/ David J. Stone
David J. Stone